

REMARKS/ARGUMENTS

Claims 1-20 are pending in the present application. In the Office Action mailed July 25, 2006, the Examiner rejected claims 1-20 under 35 U.S.C. § 103.

Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

A. Rejection of Claims 1-20 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-20 under 35 U.S.C. § 103(a) based on U.S. Publication No. 2002/0095269 to Natalini et al. (hereinafter, "Natalini") in view of U.S. Publication No. 2004/0203592 to Kermode et al. (hereinafter, "Kermode"). This rejection is respectfully traversed.

The M.P.E.P. states that

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

M.P.E.P. § 2142.

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in these claims.

The Office Action stated, and Applicants agree, that "Natalini fails to teach [sic: that] the telephone communicates with embedded devices." Office Action, page 3. The Office Action,

however, asserts that “Kermode teaches the telephone communicates with embedded devices through [sic: a] gateway.” Office Action, page 3. In support of this assertion, the Office Action cited Figure 2 and 3A of Kermode. See id.

Applicants respectfully submit that Figure 2 and 3A do not disclose this limitation. Rather, Figures 2A-D discloses that an introduction device 22 “creat[es] a federation of appliances.” Figure 2A discloses that the introduction device 22 “establishes secure communications with [an] appliance,” “collects [a] device key from [the] appliance,” “creates a group key for a federation” and “transfers [the] group key to [the] appliance” and then “establishes secure communications with the gateway.” Kermode, Figure 2A. Apparently the Office Action is asserting that an introduction device is the same as a telephone, as recited in claims 1 and 8.

Nothing in Figure 2A discloses, teaches or suggests that the introduction device 22 is “in electronic communication with the gateway for communicating with an embedded device such that device requests from the [introduction device] are communicated to the gateway,” as recited in claims 1 and 8. Rather, Kermode discloses that the introduction device 22 merely establishes secure communications between the appliances and the gateway. For example, Figure 2B shows that the introduction device 22 communicates with a household appliance 26, Figure 2C shows that the introduction device 22 communicates with the broadband gateway 28 and then Figure 2D shows the household appliance 26 communicating with the broadband gateway 28. Nothing in Figures 2A-2D discloses, teaches or suggests that the introduction device 22 is “in electronic communication with the gateway for communicating with an embedded device such that device requests from the [introduction device] are communicated to the gateway,” as recited in claims 1 and 8.

Likewise, nothing in Figure 3A discloses, teaches or suggests that the introduction device 22 is “in electronic communication with the gateway for communicating with an embedded device such that device requests from the [introduction device] are communicated to the gateway,” as recited in claims 1 and 8. Furthermore, the Office Action has not cited, nor can Applicants find, any portion of Kermode that discloses, teaches or suggests this limitation. Therefore, Kermode does not disclose, teach or suggest “selectively cause the telephone to be in electronic communication with the gateway

for communicating with an embedded device such that device requests from the telephone are communicated to the gateway,” as recited in claims 1 and 8.

In view of the foregoing, Applicants respectfully submit that claims 1 and 8 are patentably distinct from the cited references. Accordingly, Applicants respectfully request that the rejection of claims 1 and 8 be withdrawn.

Claims 2-7 and 15-17 depend either directly or indirectly from claim 1. Claims 9-14 and 18-20 depend either directly or indirectly from claim 8. Accordingly, Applicants respectfully request that the rejection of claims 2-7, 15-17, 9-14 and 18-20 be withdrawn for at least the same reasons as those presented above in connection with claims 1 and 8.

Additionally, claims 6 and 13 recite “the control service provider includes schedule data to indicate when certain messages are to be sent to certain embedded devices.” The Office Action asserts that “Natalini teaches wherein the control service provider includes schedule data to indicate when certain messages are to be sent to certain embedded devices.” Office Action, page 4. In support of this assertion, the Office Action cited the following portion of Natalini:

When the remote center receives an alarm or warning message, the center notifies the user in accordance with the terms of the user's level of service contract and, as appropriate, schedules the indicated service. The remote center also performs a more detailed analysis of the associated data to determine if the appliances are in need of further attention; or require further emergency or nonemergency service, preventive maintenance and/or some other type of care. As part of the analysis, the center compares parameter values associated with the current operating cycle or a number of recent cycles with the values of the same parameters in the historical data, to determine if the appliance is operating properly. The center also analyzes the statistical data to determine if the appliance has reached a preventative maintenance milestone. Further, the center includes in its analyses data from the other appliances, such as environmental information that is measured or sensed by the other appliances, and the center can thus determine adverse operating conditions and/or appliance operations that require attention. The remote center then arranges for indicated service in accordance with the users level of service contract.

Natalini, page 4, paragraph [0031]. Applicants respectfully submit that nothing in this portion discloses, teaches or suggests “schedule data to indicate when certain messages are to be sent to certain embedded devices,” as recited in claims 6 and 13. Rather, this portion merely discloses that “[w]hen the remote center receives an alarm or warning message, the center notifies the user in accordance with the terms of the user’s level of service contract and, as appropriate, schedules the indicated service.” Applicants respectfully submit that “schedul[ing] the indicated service” is not the same as “schedule data to indicate when certain messages are to be sent to certain embedded devices,” as recited in claims 6 and 13. Nothing in this portion discloses, teaches or suggests that “schedul[ing] the indicated service” includes “indicat[ing] when certain messages are to be sent to certain embedded devices,” as recited in claims 6 and 13. Therefore, the Office Action has not cited, nor can Applicants find, any portion of Natalini that discloses, teaches or suggests “schedule data to indicate when certain messages are to be sent to certain embedded devices,” as recited in claims 6 and 13.

Furthermore, the Office Action has not cited, nor can Applicants find, any portion of Kermode that discloses, teaches or suggests “schedule data to indicate when certain messages are to be sent to certain embedded devices,” as recited in claims 6 and 13. Therefore, in addition to being allowable as depending from allowable independent claims, claims 6 and 13 are separately allowable because the cited references do not disclose, teach or suggest all of the limitations in these claims.

In the coversheet of the Office Action and in paragraph 2, the Office Action indicated that claims 15-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Natalini in view of Kermode. However, the Office Action provides no grounds for rejecting these claims. Applicants respectfully submit that neither Natalini nor Kermode discloses that the device information comprises “capabilities of at least one embedded device,” “interfaces supported by at least one embedded device,” and “data available on at least one embedded device,” as recited in claims 15-20 respectively. Therefore, in addition to being allowable as depending from allowable independent claims, claims 15-20 are separately allowable because the cited references do not disclose, teach or suggest all of the limitations in these claims.

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Amdt. dated October 24, 2006
Reply to Office Action of July 25, 2006

B. Conclusion

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wesley L. Austin', with a stylized flourish at the end.

/Wesley L. Austin/

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